

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	Hearing Date: June 11, 2020
THE LAW OFFICE OF MICHAEL C. D'ARIES, LLC 222 Sussex Street Harrison NJ 07029 Michael C. D'Aries, Esq. (908) 337-8989 Attorneys for 21st Mortgage Corporation	Hearing Time: 10:00 a.m.
In re: JOSA A. LORA, Debtor	Case No. 19-26760-JKS Chapter 13 Judge: Honorable John K. Sherwood

**CERTIFICATION IN OPPOSITION TO DEBTOR'S REQUEST FOR EXTENSION OF
LOSS MITIGATION**

21st Mortgage Corporation ("21st Mortgage"), a secured creditor, by its attorneys, The Law Office of Michael C. D'Aries, LLC, hereby submits its Opposition to the Debtor's Request for Extension of Loss Mitigation and in support, respectfully represents as follows:

BACKGROUND

1. I am a Member of The Law Office of Michael C. D'Aries, LLC, attorney for 21st Mortgage. I have personal knowledge of the facts recited herein, or I have gleaned such facts from review of publicly accessible pleadings in New Jersey Superior Court and New Jersey Bankruptcy Court.

2. On or about July 24, 2006, Jose A. Lora (the "Debtor") entered into an Adjustable Rate Note (the "Note") with Option One Mortgage, California Corporation ("Option One"), in the amount of \$448,000.00.

3. Contemporaneous with the execution of the Note, the Debtor and Carmen Ferreira executed and delivered to Option One a Mortgage, on the real property located at 18 Woodbridge Court, Newton New Jersey 07860 described in said Mortgage (the "Property").

4. Thereafter, all rights, title, and interests in and to the Note and Mortgage were assigned to 21st Mortgage.

5. The Debtor and Carmen Ferreira subsequently defaulted and a state court foreclosure action was commenced on April 13, 2018 in the Superior Court of the State of New Jersey, Sussex County, General Equity, Index No. 007758-18 (the “State Court Action”).

6. A final Judgment in foreclosure was obtained by 21st Mortgage in the State Court Action on February 4, 2019. A foreclosure sale was then scheduled for September 4, 2019.

7. On August 30, 2019, the Debtor commenced the instant Chapter 13 with the filing of a Petition; on October 23, 2019, the Debtor filed his Request for Loss Mitigation, to which the undersigned filed Opposition on behalf of 21st Mortgage Corporation and the Debtor’s attorney replied to.

8. Following a hearing held on January 23, 2020, the Court entered an Order Granting Loss Mitigation, and thereafter an Amended Order Granting Loss Mitigation. Docket No. 37.

9. Pursuant to the terms of the Amended Order Granting Loss Mitigation, the Debtor was to continue making the regular monthly payment due under the \$3,559.94 and the Loss Mitigation expired on May 5, 2020.

10. 21st Mortgage thereafter extended a loss mitigation offer to the Debtor, contingent on acceptance in writing or verbally by March 23, 2020. The Debtor failed to accept the offer by March 23, 2020, or any time thereafter, although the Debtor did make a lump-sum payment that was applied on March 30, 2020.

11. The Debtor filed a Request for an Extension of the Loss Mitigation Period on May 4, 2020.

THE DEBTOR'S REQUEST FOR AN EXTENSION OF LOSS MITIGATION

12. The Debtor failed to accept 21st Mortgage's loss mitigation offer and has failed to make all adequate protection payments as required by the Loss Mitigation Order.

13. Extension of the loss mitigation period will be severely prejudicial to the creditor, as the holder of a judgment in the State Court Action in which judgment was entered and a sale date was scheduled, particularly in light of the fact that grounds exist for relief from the automatic stay.

WHEREFORE, 21st Mortgage Corporation respectfully requests that the Court enter an Order:

- 1) Denying the Debtor's Request for an Extension of Loss Mitigation.

I certify that the foregoing statements by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

Dated: May 11, 2020

LAW OFFICE OF MICHAEL C. D'ARIES, LLC
Attorneys for 21st Mortgage Corporation

By: /s/ Michael C. D'Aries
Michael C. D'Aries, Esq.